

# Exhibit 1

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND  
COMPOUNDING PHARMACY, INC.  
PRODUCTS LIABILITY LITIGATION

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)  
) MDL No. 1:13-md-2419-FDS  
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This Document Relates To:

All Actions

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**[PROPOSED]**  
**MDL Order No.**  
November \_\_, 2013

**FURTHER CASE MANAGEMENT ORDER  
MODIFYING MDL ORDER NO. 7**

This order establishes further case management procedures in *In re New England Compounding Pharmacy, Inc., Products Liability Litigation*, MDL No. 1:13-md-2419-FDS. This order modifies or establishes certain deadlines for discovery and certain other events. This order amends and supersedes MDL Order No. 7.

- 1. Definitions.** For purposes of this order, (a) the term “NECC” shall mean New England Compounding Pharmacy, Inc.; (b) the term “Affiliated Defendants” shall mean Barry Cadden; Lisa Cadden; Doug Conigliaro; Carla Conigliaro; Gregory Conigliaro; Glenn Chin; Alaunus Pharmaceutical, LLC; Ameridose, LLC; GDC Properties Management, LLC; Medical Sales Management, Inc.; and Medical Sales Management SW, Inc.; (c) the term “Unaffiliated Defendants” shall mean all

defendants other than NECC or the Affiliated Defendants; and (d) the term “Bellwether Cases” shall mean the first individual cases selected for trial.

2. **Participants in Mediation Program.** The Court’s Order on Mediation Program of August 15, 2013, exempts participating defendants from various discovery obligations. In order to ensure that the litigation process is fair should attempts at mediation prove unsuccessful, the Court may find it appropriate to modify the deadlines in this order, grant additional stays, or take such other action as justice may require.
3. **Scope of this Order.** This order applies only to the cases in which the following entities have been named as Defendants: Saint Thomas Outpatient Neurosurgical Center, LLC (“STOPNC”); the Howell Allen Clinic, P.C. (“Howell Allen”); John W. Culclasure, M.D. (“Culclasure”); Debra V. Schamberg, R.N. (“Schamberg”); and Saint Thomas West Hospital, formerly known as St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health (“Saint Thomas Entities”). All of these defendants will be referred to in this Order as the “Tennessee Defendants.” This Order does not in any way apply to NECC, which remains subject to the protections of the Bankruptcy Court, or the Affiliated Defendants.
4. **Schedule.** The Court hereby sets the schedule below for the following events in this matter (*initial proposals are in bold and italics*/new proposals follow):

Event	Dates/Deadline
Fact discovery of (1) NECC and (2) the Affiliated Defendants.	Stayed until further order of the Court.
Fact discovery of (1) the Unaffiliated Defendants, (2) non-parties, and (3) plaintiffs.	Stayed pending separate discovery order to be entered by the Court.
Filing of answers, motions to dismiss, or other responsive pleadings by (1) NECC and (2) the Affiliated Defendants.	Stayed pending further order of the Court
Filing of answers, motions to dismiss, or other responsive pleadings by the Unaffiliated Defendants.	Stayed pending Master Pleadings procedure outlined below.
Filing of Master Complaints relating to unnamed Tennessee Defendants and form of Short Form Complaint by PSC.	<b>*November 5, 2013*</b> /December 18, 2013
Filing of Short Form Complaint joining the Master Complaint by any individual plaintiff in (1) any previously filed case and (2) any case where the plaintiff wishes to be considered for selection as a Bellwether Case.	<b>Date + 30</b> /January 17, 2014
Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by (1) NECC and (2) the Affiliated Defendants.	Stayed pending further order of the Court
Filing of Master Answers, Motions to Dismiss the Master Complaint, or other pleadings responsive to the Master Complaint by the Tennessee Defendants.	<b>Date + 30 [factoring in the holidays]</b> /January 17, 2014
Filing of Memoranda in Support of Motions to Dismiss the Master Complaint that seek to dismiss parties, as opposed to solely claims. The deadline for briefing concerning motions to dismiss that seek solely to dismiss claims shall be stayed until further order of this Court.	<b>Date + 30 [factoring in the holidays]</b> /January 17, 2014
Filing of Short-Form Answers and Short-Form Motions to Dismiss.	<b>Date + 60</b> /February 18, 2014 <b>[unless plaintiffs do not file a master complaint against the Tennessee Defendants in which case date should be extended to March 31, 2014]</b>

Filing of Responses to Motions to Dismiss the Master Complaint that seek to dismiss parties, as opposed solely claims	<b>Date + 60 [factoring in the holidays]/February 18, 2014</b>
Filing of Replies to Motions to Dismiss to which Responses have been filed.	<b>Date + 85/March 14, 2014</b>
Selection of potential Bellwether Cases	Stayed pending separate orders of the Court on a bellwether process for defined groups of individual cases.

**So Ordered.**

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F. Dennis Saylor IV  
United States District Judge

Dated: November \_\_, 2013